

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN NORMAN NEY,

Petitioner,

No. C 07-2835 PJH (PR)

v.

ORDER OF TRANSFER

JAMES YATES,

Respondent.

_____ /


This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in the Superior Court in and for Tulare County. Tulare County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated at Pleasant Valley State Prison, which also is in the Eastern District.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Because petitioner was convicted in Tulare County, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(-a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: July 10, 2007.



PHYLLIS J. HAMILTON
United States District Judge